IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 16 of 2007()

CRIME NO.422/06 OF NADAKKAVU POLICE STATION.

: APPLLICANTS/ACCUSED

---

1. PRAVEEN K.,
S/O.T.P.PRABHAKARAN, AGED 32 YEARS.

2. T.P.PRABHAKARAN,
S/O.LATE M.K.BALAKRISHNAN NAIR,
AGED 69 YEARS.

3. K.VIJAYALAKSHMI,
W/O.T.P.PRABHAKARAN,
AGED 64 YEARS,
ALL ARE RESIDING AT 37/430-D,
MANGAT APARTMENTS, P.O.KADAVANTHARA,
KOCHI-682 020.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENT: COMPLAINANT

---

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

* ADDL.R2: V.S.SUNITHA, AGED 27 YEARS,
D/O M.VISWANATHAN NAIR, 'AMRUTHASHREE',
NEAR GANDHI ASHRAM, CIVIL STATION POST,
KOZHIKODE.
(ADDL.R2 IMPLEADED AS PER ORDER DATED 09.01.2007 IN CRL.M.A.121/07)

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN FOR R1
ADV.SHRI N.BHASKARAN NAIR &
SUNNY MATHEW FOR ADDL.R2.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - - -

BAIL APPLICATION NO. 16 OF 2007

- - - - - - - - - ---------- - - - - - -

DATED THIS THE 9th DAY OF JANUARY, 2007

O R D E R

In this petition filed under section 438 Cr.P.C., the petitioners who are husband, father-in-law and mother-in-law of the de facto complainant by name Sunitha, seek anticipatory bail. Petitioners are accused 1 to 3 in Crime No.422/06 of Nadakkavu Police Statioin for offences punishable under sections 498A and 406 IPC.

2. The marriage between Sunitha and Praveen, both of whom are from respectable families and highly qualified, was solemnised on 28.4.2006. Sunitha is aged 27 and the first petitioner is aged 32. It is really unfortunate that the marriage soon fell into rough feather resulting in the separation of the marital partners on 10.10.2006. Both of them, as usual, indulged in recriminatory exercises. While Sunitha in her complaint would allege physical and mental torture including an allegation of impotency on her husband and also appropriation of her gold ornaments and cash, Praveen would allege frigidity and mental disturbance in his wife. The husband has already moved the Family Court on 30.10.2006 for nullity of marriage on the ground of frigidity. It was thereafter on 22.12.2006 that Sunitha lodged the present complaint before the Police.

3. Opposing the application, Advocate Shri N.Bhaskaran Nair, counsel appearing for the de facto complainant submitted that the husband is guilty of unpardonable conduct in procuring a medical certificate to the effect that Sunitha is suffering from psychosis which according to him is a very serious offence and indicates the extend to which the husband is prepared to go to spoil the reputation of his wife.

4. When the marital partners fall apart, it is usual for them to exaggerate their rival contentions, one trying to have an edge over the other. But the fact remains that even though both of them are hailing from respectable families and are well accomplished, they have not been able to get long well together after six months of matrimony.

5. After hearing both sides, I am inclined to grant anticipatory bail to the petitioners. The apprehension of the prosecution can very well be safeguarded by imposing appropriate conditions.

6. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release petitioners on bail for a period of two months in the event of their arrest in connection with the above case on each of them executing a bond for Rs.10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. Petitioners 1 and 2 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners shall not influence or intimidate the prosecution witnesses including the de facto complainant nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

5. Before the expiry of the aforesaid two months, petitioners shall seek regular bail from the Magistrate concerned.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,JUDGE.

dsn